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**APR 18 2005**

In re Application of  
Arterburn, Russell Donovan  
Application No. 08/929,836  
Filed: September 15, 1997  
Attorney Docket No. 6971

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 1, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 1.17(c)) within the time period provided in 37 CFR 1.192(a). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed July 26, 2004, and no extensions of time under the provisions of 37 CFR 1.136(b) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.192(b) & 1.197(c). As no claim was allowed, the above-identified application became abandoned on September 27, 2004. See MPEP 1215.04.

An additional \$500.00 will be charged to petitioner's deposit account, as authorized, for the appeal brief fee.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

This matter is being referred to Technology Center 1700 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy